

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Stephen J. Green,)	
)	
Plaintiff,)	
)	Civil Action No. 2:24-cv-267-BHH
v.)	
)	<u>ORDER</u>
Mr. Nelson, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff Stephen J. Green's ("Plaintiff") *pro se* complaint filed pursuant to 42 U.S.C. § 1983. On April 29, 2024, Plaintiff filed a motion for preliminary injunction and temporary restraining order, and on July 16, 2024, Defendant Brian Stirling filed a motion to dismiss. (ECF Nos. 14 and 38.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for pretrial proceedings.

On August 8, 2024, Magistrate Judge Mary Gordon Baker issued a Report and Recommendation ("Report"), recommending that the Court deny both Plaintiff's motion for preliminary injunction and temporary restraining order and Defendant Stirling's motion to dismiss. (ECF No. 58.) Attached to the Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. **Accordingly, the Court adopts and specifically incorporates the Magistrate Judge’s Report (ECF No. 58); the Court denies Plaintiff’s motion for preliminary injunction and temporary restraining order (ECF No. 14); and the Court denies Defendant Stirling’s motion to dismiss (ECF No. 38).**

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

August 27, 2024
Charleston, South Carolina